

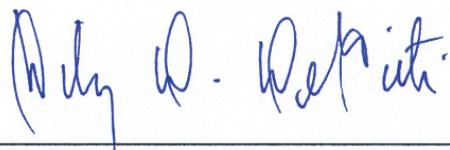
**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SANDRA PORTER,)
)
Plaintiff,)
)
v.) **Case No. CIV-14-850-D**
)
NANCY A. BERRYHILL,)
Acting Commissioner of the)
Social Security Administration,)
)
Defendant.)

O R D E R

Upon consideration of Plaintiff's Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 34] and the corresponding exhibits [Doc. Nos. 34-1, 34-2, 34-3], the Court hereby GRANTS the Motion. Accordingly, Defendant is ordered, within thirty (30) days of the date of this Order, to disperse \$11,139.45 to Miles L. Mitzner of Mitzner Law Firm, PLLC. Plaintiff's counsel shall then comply with the March 6, 2017 Order of the Court [Doc. No. 33], which requires Plaintiff's counsel, upon receipt of fees under both the Equal Access to Justice Act, 28 U.S.C. § 2412, and 42 U.S.C. § 406(b), to refund to Plaintiff the lesser of the two fees.¹

IT IS SO ORDERED this 31st day of March, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹ See Order [Doc. No. 33] at 1-2 (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) ("Congress harmonized fees payable by the Government under EAJA with fees payable under § 406(b) out of the claimant's past-due Social Security benefits in this manner: Fee awards may be made under both prescriptions, but the claimant's attorney must 'refun[d] to the claimant the amount of the smaller fee.'").